

REMARKS

Claims 1-9 were examined in the Office Action mailed October 26, 2005. Claims 1-2, 4 and 9 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-14 over *Gerdes* (U.S. Patent No. 6,291,166) and in view of the *Stratagene Catalog* (1988). Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-31 over *Gerdes* (U.S. Patent No. 6,872,527) in view of the *Stratagene Catalog*.

Reconsideration of the rejections is respectfully requested in view of the remarks which follow.

- A. Rejection of claims 1-2, 4 and 9 under the judicially created doctrine of obviousness-type double patenting of claims 1-14 over U.S. Patent No. 6,291,166 and the *Stratagene Catalog* is Addressed.

U.S. Patent No. 6,291,166 to *Gerdes* is owned by the assignee of the present application. Accordingly, the enclosed Terminal Disclaimer relating to U.S. Patent No. 6,291,166 effectively removes U.S. Patent No. 6,291,166 as a reference. The obviousness rejection of claims 1-2, 4 and 9 based only on the *Stratagene Catalog* fails, and withdrawal of this rejection is proper and respectfully requested.

- B. Rejection of claims 1-9 under the judicially created doctrine of obviousness-type double patenting over claims 1-31 over *Gerdes* and the *Stratagene Catalog* is Addressed.

U.S. Patent No. 6,872,527 to *Gerdes* is owned by the assignee of the present application. Accordingly, the enclosed Terminal Disclaimer relating to U.S. Patent No. 6,872,527 effectively removes U.S. Patent No. 6,872,527 as a reference. The obviousness rejection of claims 1-9 based only on the *Stratagene Catalog* fails, and withdrawal of this rejection is proper and respectfully requested.

- C. Conclusion.

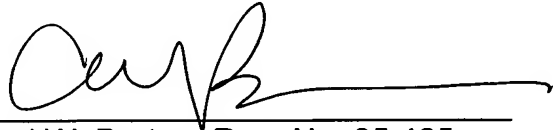
Pending claims 1-9 are now in condition for allowance and such action is respectfully requested.

Enclosed is a Statement Under 37 C.F.R. 3.73(b), accompanied by a Limitation Authorization Form.

Also enclosed is a check for \$260.00 for the two Terminal Disclaimer fees. The Office is authorized to charge Deposit Account No. 50-1123 any other fees associated with this transmittal. The Examiner is asked to telephone the undersigned should any issues remain.

Respectfully submitted,

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